

Deposition of DAVID HUFSTETLER, called by the Debtor, taken pursuant to the Federal Rules of Civil Procedure, was reported by Gail H. Beard, Certified Court Reporter and Notary Public, at the offices of Sellers & Mitchell, 106 Elucid Drive, Thomasville, Georgia, commencing at approximately 3:45 p.m. on the 16th day of September 2015 and concluded on the same date.

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1 A P P E A R A N C E S

2

For the Plaintiff,

3 NEIL C. GORDON, as Trustee in Bankruptcy for Alpha
Protective Services, Inc.:

4

FIFE M. WHITESIDE, Esquire
1124 Lockwood Avenue
P.O. Box 5383 (31906-5383)
Columbus, Georgia 31906

7

For the Defendants,

8 AMERICAN PAWN SHOP, INC., as an Initial Transferee
or as Immediate Transferee; ALPHA CONSULTING
9 ENGINEERS, LLC, f/k/a ALPHA CONSTRUCTION &
ENGINEERING, LLC f/k/a APS-AEC, LLC, as Initial
10 Transferee or as conduit to America Pawn Shop, Inc.:

11 KARL E. OSMUS, Esquire
Law Office of David Wolfson
12 1010 Williams Street
P.O. Box 1448 (31601-4038)
13 Valdosta, Georgia 31603-1448

14

15 -----

16 PRELIMINARIES:

17 (Disclosure submitted to all counsel.)

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1 DAVID HUFSTETLER

2 Having been first duly sworn, was examined and
3 testified as follows:

4 MR. WHITESIDE: I'm not sort of a big
5 fan of stipulations. The rules provide and I'm
6 satisfied with that. Do you want to reserve the
7 right to sign?

8 MR. OSMUS: No.

9 MR. WHITESIDE: We don't have a trial
10 coming up.

11 MR. OSMUS: No.

12 MR. WHITESIDE: So it's fine with me,
13 we'll do it with that.

14 EXAMINATION

15 BY: MR. WHITESIDE

16 Q. Okay. Would you state your name for the
17 record, please.

18 A. David Hufstetler.

19 Q. Tell me a little bit about yourself.
20 What do you do?

21 A. I'm co-owners with a business known as
22 American Pawn, Inc., with my two brothers.

23 Q. Who are your brothers?

24 A. Steve Hufstetler and Marty Hufstetler.

25 Q. Now, where do you live?

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1 A. Thomasville, Georgia.

2 Q. Okay. I'm not planning on coming to
3 visit you, but in case I had to serve you with
4 something, what is your home address?

5 A. My home address is 2315 Patterson
6 Street, Thomasville, Georgia 31792. My --

7 Q. And -- go ahead.

8 A. The address I would prefer to get served
9 at would be my business 1302 East Jackson Street,
10 Thomasville, Georgia.

11 Q. And I would do that. But it's always
12 nice to have a home address. I'm paying a private
13 investigator right now several hundred dollars to
14 try to track somebody down because they're hiding a
15 home address on me. And it's just always nice to
16 have a record on that. But I would not embarrass
17 you on purpose. So how do you know Jeff Brinson?

18 A. I first met Jeff roughly the mid-1980s.
19 I was employed by the Thomas County Sheriff's
20 Department-Thomasville Police Department as
21 commander of the drug squad and we were housed in
22 the courthouse. And he was hired as a deputy, so
23 there was some interaction there.

24 Q. So you go back -- tell me again the
25 date. I'm putting the stickers on and I didn't

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1 write it down. How far back?

2 A. Roughly the mid-'80s, roughly 1985, '86,
3 somewhere in that area.

4 Q. Now, bearing in mind I'm speaking in the
5 past tense for reasons I suspect are obvious, but
6 were you good friends with him?

7 A. At the time within the realms of law
8 enforcement, sure, I liked him.

9 Q. Did that friendship continue up until
10 the time he had started Alpha?

11 A. Not as closely. I mean, I knew him. I
12 just didn't see him nearly as often.

13 Q. How did you get into finance -- well,
14 first did you make a loan to Brinson?

15 A. I did.

16 Q. And a pretty good-sized loan?

17 A. It was.

18 Q. Now, how did you get to a point to where
19 you were willing to do that? Were you still that
20 friendly with him at the time?

21 A. Friendship didn't enter into it. I knew
22 him.

23 Q. Business?

24 A. It was business, yes, sir.

25 Q. You expected to make the usual pawnee's

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1 profit?

2 A. Yes, sir.

3 Q. Okay. Have you had any contact with him
4 since then?

5 A. I probably --

6 Q. That's a bad question. Let me start
7 over again.

8 A. Okay.

9 Q. Between that loan that you made to him
10 and the time that Alpha filed bankruptcy, did you
11 have any contact with him?

12 A. I probably have. I think I reached out
13 to him a time or two just to try to understand what
14 was going on, but it was -- it was somewhat limited.
15 He got to where he was hard to get in touch with.
16 He didn't answer calls. And as I said to Mr. Osmus,
17 the bulk of me seeing Jeff would be at church. And
18 that would entail me being in the pew and him up
19 there singing in the choir. We rarely got to speak.

20 Q. What church is that?

21 A. First Baptist Church of Thomasville.

22 Q. Do you still go there?

23 A. I do. Not as often as I should but yes.

24 Q. None of us go as often as we should.

25 A. Sir?

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1 Q. None of us go as often as we should.

2 A. Oh.

3 Q. Does Brinson still go there?

4 A. I'm sure he does. I went Sunday, but
5 they changed the setting and so I can't see the
6 choir as well, so I couldn't say for sure.
7 Probably, he's very -- he seems to be very
8 religious.

9 Q. As far as you know, he still lives in
10 Columbus -- I mean, in Thomasville?

11 A. I guess. I don't know.

12 Q. Because it's kind of -- you know, I was
13 telling you, I've got a case where I've had to hire
14 a private eye to find the home. If I had to find
15 Brinson's home address, I would have to do the same
16 thing.

17 A. Oh, I could find it for you probably.
18 I'm sure I could.

19 Q. How would you do that?

20 A. Call the sheriff, he and I are good
21 friends. And I think he and Jeff, they confide.
22 Yeah, he could find him for you.

23 Q. I don't have a particular need to get
24 his home address now, but I was using that as an
25 example. So he's not hiding as far as you know?

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1 A. Not that I know of. I doubt it.

2 Q. Okay. Let's get started going through
3 the documents. This is yours. This is mine. And
4 the same thing here. That's yours. That's yours.
5 And that's yours. And that's mine. And the same
6 thing here. This is yours, that's Karl's, that's
7 the court reporter's and this is mine.

8 First, let's get straight about Exhibits
9 2 and 3. The answer was filed twice, and you may
10 not know this, your lawyer may, is there a reason
11 why they were filed twice?

12 MR. OSMUS: It looks to me like my
13 secretary uploaded it twice. It appears to be the
14 same document. I don't think there's any --

15 MR. WHITESIDE: Now, can we sort of
16 stipulate there are no changes between the two?

17 MR. OSMUS: Sure.

18 MR. WHITESIDE: So I'm only going to
19 talk about the first one. Is that okay?

20 MR. OSMUS: Sure.

21 Q. Let's go through the complaint. If you
22 would, Mr. Hufstetler?

23 A. Yes.

24 Q. Did I pronounce that right?

25 A. That's it, uh-huh (positive response).

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1 Q. Take a look at the second page. Let's
2 just go through this. At paragraph 6 I'm going to
3 give you a minute to read that. That gives the
4 background on the filing of the bankruptcy case.

5 A. Uh-huh (positive response).

6 Q. Let's see, have I got -- take a look at
7 the answer. Oh, I see. These are not in numerical
8 order according to the complaint. I've got it. See
9 if I can find the admissions. I've got it. I
10 didn't get it before. Well, I still don't get it.
11 Is there a --

12 MR. WHITESIDE: Karl, is there a
13 response to 6?

14 MR. OSMUS: To your paragraph 6?

15 MR. WHITESIDE: Yeah.

16 MR. OSMUS: I think that we would
17 admit your allegations of --

18 MR. WHITESIDE: Well, I'm just trying
19 to figure your -- I'm trying to understand your
20 answer.

21 MR. OSMUS: Yeah.

22 MR. WHITESIDE: I've got it. Now
23 I've got it. Okay, 1 through 7, so you admitted 1
24 though 7, so 6 is admitted. I've got it. I wasn't
25 figuring the form of your answer out. Try not to

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1 waste time talking about 6 or 7. Let's talk about
2 8.

3 Q. If you would read paragraph 8 into the
4 record, Mr. Hufstetler.

5 A. Me? Okay.

6 Q. Yes, sir.

7 A. "Jeffrey B. (Brinson) is the Chief
8 Executive Officer and sole shareholder of the
9 debtor. Brinson is himself a debtor in a Chapter 7
10 bankruptcy case which is a pending sub nom In re
11 Brinson, 12-70958." It's the initial "B.C. Middle
12 District of Georgia 2012. There has been no grant
13 or denial of discharge in that case so Brinson's
14 automatic stay continues in place. Trustee, on
15 behalf of Alpha, is a claim holder in that case.
16 Trustee is stay barred to join Brinson as a party to
17 this adversary proceeding."

18 Q. I notice that's one you denied. Do you
19 know the reason why you denied that? Is there
20 anything in particular about 8 that --

21 MR. OSMUS: I don't think
22 Mr. Hufstetler really has the legal training to be
23 able to understand, especially as far as Bankruptcy
24 Court to understand any of that.

25 (A discussion ensued off the record.)

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1 Q. Okay. He's right. I'm not asking you
2 for a legal opinion. Can you point to anything in
3 paragraph 8 that you know to be incorrect?

4 A. I -- no, sir, I don't know either way.

5 Q. Okay. But you can't look at paragraph 8
6 and tell me, for example, that you know that there's
7 some particular allegation in there that is
8 incorrect? For example, I've alleged that Jeff B.
9 Brinson is the chief executive officer and sole
10 shareholder of the debtor. Do you know that that's
11 incorrect?

12 A. No, sir, I do not.

13 Q. And you don't know whether he's in
14 bankruptcy or not?

15 A. I guess he is from the paperwork I've
16 seen, but I don't know from a legal standpoint.

17 Q. I mean, I'm not asking you to evaluate
18 his case. I'm just asking if you know he's filed a
19 bankruptcy petition?

20 MR. OSMUS: I don't think.

21 Q. If you don't know, that's fine.

22 MR. OSMUS: Yeah.

23 A. I don't know. I guess he has or I
24 wouldn't be getting all this stuff.

25 MR. OSMUS: But you've never actually

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1 seen any of the bankruptcy paperwork yourself?

2 A. No.

3 MR. OSMUS: You don't have any
4 personal knowledge of his bankruptcy?

5 A. No, no.

6 Q. You don't know what's going on in his
7 bankruptcy?

8 A. Not really.

9 Q. That's fine. And you certainly don't
10 know whether or not my client, the trustee, has
11 filed a claim in that case? You have no reason to
12 know?

13 A. No, sir.

14 Q. All right. Look at paragraph 9. All
15 right. You admit nor deny 9. Just glance over
16 this. Do you know anything about the company APS
17 formerly known as APS-AEC, LLC?

18 A. No, sir.

19 Q. That's a company for which the CEO we
20 believe was Richard Singletary. Do you know
21 anything about that?

22 A. No, sir.

23 Q. Do you know Mr. Singletary?

24 A. What's his first name?

25 Q. Richard, I think.

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1 A. I don't believe so.

2 Q. Okay. It is Richard, it's in this
3 allegation.

4 A. I don't know him.

5 Q. All right. Do you know Brinson's
6 daughter Kristin?

7 A. I don't.

8 Q. You've never met her, never heard of
9 her?

10 A. I may have over the years. She's not
11 clicking. I know he has children. I don't --

12 Q. Got it. All right. The next paragraph
13 11, where I'm alleging that creditors had moved in
14 on Alpha's bank accounts immediately prior to the
15 bankruptcy case. You don't know anything about
16 that, do you?

17 A. No, sir, I do not.

18 Q. And you don't know anything about the
19 disbursements that were made just prior to filing
20 the bankruptcy case?

21 A. No, sir.

22 Q. But I do want to talk to you about 13.
23 How were you paid?

24 A. I was paid in the form of a cashier's
25 check for \$122,875 on April the 9th, 2012.

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1 Q. And that's alleged in here further on.
2 Just tell me the background for how you got that
3 check. Did you demand it? Or was it offered to you
4 voluntarily?

5 A. It was offered to me voluntarily.

6 Q. And that was by who?

7 A. By Jeff Brinson.

8 Q. All right. And you don't remember the
9 bank? We believe the bank or my recollection is the
10 bank where the check was issued was the Ameris Bank?
11 Do you know?

12 A. I'll tell you in just a second.

13 Q. You brought your file with you?

14 A. Yeah.

15 Q. Okay.

16 MR. OSMUS: Did we not provide a copy
17 of that check? I thought you provided copies of
18 that check to us.

19 MR. WHITESIDE: I have got a copy of
20 it.

21 A. It's in here. It was drawn on Ameris
22 Bank.

23 Q. All right. And the date on the check?

24 A. April 9th, 2012.

25 Q. Can I see that?

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1 A. Sure.

2 MR. WHITESIDE: May I?

3 MR. OSMUS: Sure.

4 MR. WHITESIDE: Thanks.

5 Q. I think you've already provided it to
6 me. All right. And you would agree with me it
7 shows the remitter as Alpha Protective Services?

8 A. Yes.

9 Q. So the payment was made by Alpha
10 Protective Services?

11 A. Yes.

12 Q. But who is the loan with?

13 A. The loan?

14 Q. You made.

15 A. Jeff Brinson.

16 Q. So it's Jeff Brinson's loan-- go ahead.

17 A. What I was going to say from a practical
18 standpoint, I made the loan to Jeff Brinson.
19 However, I do recall when I was going to the bank to
20 get him the funds, he told me to have the check made
21 out to APS-AEC.

22 Q. Do you have that check?

23 A. I do.

24 Q. May I have that check? I think that's
25 who the check is made to. We'll circle back when we

1 get into your documents and then get a correct
2 record on that made. But I just want to talk about
3 it now. So you made an advance to the company
4 APS-AEC. That's kind of the company I was just
5 asking you about involved with Singletary?

6 A. Okay.

7 Q. That's why this is an issue in this
8 lawsuit. So you made the check, the cashier's check
9 payable to APS--AEC and that was \$110,000, correct?

10 A. Yes, that's correct. That was at Jeff's
11 request. Now, I also had over -- I don't know how I
12 missed it, he needed -- we negotiated \$111,000. But
13 for whatever reason I had \$1,000 cash, which I gave
14 to him, so the entire loan was \$111,000.

15 Q. And then the difference in that and what
16 was paid back was the interest?

17 A. Correct.

18 Q. Was there anything else in the
19 difference? I mean, did Alpha pay you anything back
20 other than the principal and the interest?

21 A. No, sir. The entire payback was this
22 cashier's check drawn on Ameris Bank for \$122,875.

23 Q. And we paid in advance of \$111,000 --

24 A. That's correct.

25 Q. -- was just made payable to this APS

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1 entity?

2 A. Correct.

3 Q. And do you recall -- I believe the check
4 was issued on April the 9th, the repayment check?

5 A. That's correct.

6 Q. Do you recall the circumstances of how
7 Brinson came to offer you that?

8 A. Yeah, I do.

9 Q. Tell me.

10 A. He gave me a call that morning, I
11 believe, and he said the funds he had been expecting
12 on his Federal contractor or contracts had arrived.
13 And he wanted to know how much was it to redeem the
14 loan. And I quoted him what it was. I believe it
15 was \$124,875 and he said, quote, "Can you do any
16 better than that?" And so I just knocked \$2,000
17 off.

18 I said, "Sure, bring me 122,875, and
19 you'll be fully paid up."

20 Q. So you weren't fully repaid on your
21 principal and interest?

22 A. Oh, yeah, I was repaid.

23 Q. You were repaid your principal but you
24 didn't quite get all your interest back because you
25 knocked 2 grand off?

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1 A. Well, that was a negotiated settlement
2 by myself. And I was more than happy. It's not
3 that uncommon. It was a several-day loan.

4 Q. Which leads me to a good question: Had
5 you ever done that with him before?

6 A. No. I had --

7 Q. Well, that's a bad question, let me
8 start that again. Have you ever done a transaction
9 with Brinson where money was advanced to or for the
10 benefit of Alpha or any of the other Brinson's
11 companies?

12 A. Not to my knowledge. There were some
13 other transactions. And I've got the documentation.
14 There was another -- matter of fact, that same day
15 he pawned some firearms that I believe were his
16 personal firearms. They appeared to be. They were
17 a mixture of hunting firearms, sporting firearms.
18 And he just defaulted, he just never did pick them
19 up. So, you know, ownership transferred to American
20 Pawn. We sold them.

21 Q. Was there a boat involved in any of your
22 transactions?

23 A. There was. This very first transaction
24 there was a boat involved.

25 Q. What happened to the boat?

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1 A. I've got it. He defaulted on it. He
2 made a subsequent loan and defaulted on it.

3 Q. My very next question is: The boat, is
4 it yours or is it subject to a ticket?

5 A. I don't understand.

6 Q. Is it collateral for a loan or is it
7 yours?

8 A. No. It's so far defaulted. But if he
9 wanted it back, I'd -- everything is.

10 Q. I think his trustee might want it back.

11 A. Do what, now?

12 Q. His trustee might want it, but he would
13 have to pay you to get it?

14 A. He would have to pay to get it. But,
15 honestly, I can get another boat. If they want it
16 that badly, I'd be glad to sell it at a fair price.

17 Q. Nobody wants your boat. But at some
18 point people were looking for the boat. Where is
19 it?

20 A. It's in Carrabelle, near Carrabelle.

21 Q. Florida?

22 A. Yes.

23 Q. I'm not coming to get your boat, but I
24 do want to build a complete record on this. Can you
25 give me a more clear description of where it is

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1 other than just Carrabelle?

2 A. Am I?

3 MR. OSMUS: I think probably you have
4 to answer that.

5 A. It's at a boat storage place at Saint
6 James Bay Golf Resort.

7 Q. Do you know the name of the boat storage
8 place?

9 A. It belongs to the resort.

10 Q. Saint James?

11 A. Golf Resort.

12 Q. Golf Resort, okay.

13 MR. OSMUS: But to be clear, this
14 boat was released from this 110,000-dollar pawn
15 transaction to Brinson.

16 MR. WHITESIDE: It's not my problem.
17 It would be Walter Kelley's problem. But I will
18 tell you they were looking for that boat at one
19 time. But if there's another ticket outstanding on
20 it, it's collateral for a loan.

21 MR. OSMUS: It is.

22 MR. WHITESIDE: But I don't think
23 Walter knew that. But they were looking for that
24 boat at one time.

25 MR. OSMUS: Brinson may just not have

1 wanted to tell them where the boat was.

2 MR. WHITESIDE: No, he didn't, he
3 expected to try to get it back. I get the deal with
4 Brinson. I understand there's a game running at
5 every angle. I do get that.

6 Q. Nobody is coming to get your boat. Do
7 you use it personally?

8 A. I do, yeah. I had -- it's an old story.
9 I had a boat. I had a boat that I was perfectly
10 satisfied with. But I decided that should something
11 come up, I didn't want to sell that thing to a third
12 party and then have to deal with bankruptcy and
13 attorneys. I figured if anyone was going to have to
14 bear that burden, it would be me.

15 Q. You?

16 A. Yeah.

17 Q. So you sold your personal boat?

18 A. I did, yeah. And it's okay, but I liked
19 my other boat better, quite frankly.

20 MR. OSMUS: And to say if they wanted
21 your boat, they are going to have to sue you for it.

22 THE WITNESS: Yeah.

23 Q. Nobody is going to come get your boat.
24 But I just know at one point people wanted to know
25 where it was.

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1 A. Right.

2 Q. So now you mentioned that Brinson had
3 put up some hunting guns and stuff on a personal
4 pawn ticket that he didn't redeem?

5 A. That's correct.

6 Q. Was any of the other collateral involved
7 in the Alpha loans that went unredeemed other than
8 the boat?

9 A. No, sir. There was not, no. He picked
10 it all up, I believe, the day that he paid me.

11 Q. All right. But I was going to ask you.
12 He didn't pick the boat up but the boat was redeemed
13 from?

14 A. (Witness nods head affirmatively.)

15 Q. So that was his boat at that point?

16 A. It was.

17 Q. He went back and borrowed more on it?

18 A. He did. Roughly, without looking at my
19 notes, about April the 30th. What I got from him
20 when he picked up everything else, he just
21 offhandedly said, "David, do you mind if it stays
22 here?"

23 I said, "Sure, I don't mind and I've
24 got" --

25 Q. He didn't want anybody to know where it

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1 was.

2 A. Sir?

3 Q. He didn't want anybody to know where it
4 was.

5 A. Well, I don't -- but, anyway, it didn't
6 bother me. And I just, you know, put him on notice
7 that if it's not on pawn, that he can leave it there
8 but it's not covered by my insurance. As long as
9 it's on pawn, it's covered. And so he was fine with
10 that. I said, "Sure, leave it."

11 And then about two weeks later, he
12 showed up, "Hey, by the way, can I redo the loan on
13 that boat."

14 And I'm like, "Sure, fine with me."

15 Q. How much did you advance him on that
16 one?

17 A. I'd say \$15,000.

18 Q. And you flipped that ticket two or three
19 times?

20 A. He flipped it one time. It was like six
21 months later. By Georgia law, ownership should
22 transfer after 40 days, but we try very hard for
23 people to get their stuff back. So 60 days is
24 automatic. And on the boat, I don't want to have to
25 fool with selling this thing.

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1 So it's like five months later I called
2 Jeff, "I know you like the boat, I guess you do, but
3 you're going to have to do something." And he came
4 in and made a payment and we flipped the loan, as
5 you say. And he just never did -- that's been,
6 golly, two years ago.

7 Q. So let me summarize, that transaction,
8 when you got the money back, the cashier's check
9 that we just talked about --

10 A. Uh-huh (positive response).

11 Q. -- that satisfied the ticket on the boat
12 and the other guns and stuff that's mentioned in the
13 documents?

14 A. Not the guns but the tractors and the --

15 Q. What about the guns?

16 A. That was a separate transaction.

17 Q. Oh, really?

18 A. Yeah.

19 Q. So who did you -- I mean, who did you
20 advance money to on the guns?

21 A. Jeff, yeah.

22 Q. So some of these tickets were not
23 redeemed? We just have to --

24 A. Yeah, that ticket was -- it's like maybe
25 4500.

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1 Q. Yeah, let's don't do that now. Let's
2 come back to that. I want to try and do this
3 pyramid fashion, get the important stuff first. We
4 can figure that out. So now, is there any other
5 money that you got from Brinson or AEC or Alpha
6 directly or indirectly for any reason?

7 A. No, sir, huh-uh (negative response).

8 Q. Except, I guess, when he flipped the
9 ticket on the boat, you got a little bit?

10 A. Yeah. He came in. I told him \$5,000.
11 For some reason he brought me a check for
12 \$4997 and change.

13 Q. Do you know what kind of check that was?
14 Was that an Alpha check?

15 A. No. It probably -- I don't know I would
16 have taken an Alpha check. It probably would have
17 been a certified bank check.

18 Q. Do you have that in here?

19 A. I don't think so. I could probably
20 track it down, though. I'll check. I bet you I
21 don't, but I could get it.

22 Q. Somewhere around here I've got an old
23 beat-up brief case that has my notepad in it. While
24 you're looking, do you have copies of the pawn
25 tickets for that transaction in there too?

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1 A. Yes, I do. Yeah.

2 Q. Yeah.

3 A. I don't -- I don't have that. No, I do.

4 Yeah, I do. Yeah, I do.

5 Q. What is that?

6 A. The check on the payment he made.

7 MR. WHITESIDE: Is that all right?

8 Mind if I look at it?

9 MR. OSMUS: Sure, sure.

10 Q. This is from Alpha too. Okay. Now,
11 this is going to get a little hinkie (sic). I'm
12 going to come back at a break and straighten this
13 out, but I'm going to put this in the middle of the
14 table, and then we'll mark it and get it copied and
15 give it to you because I don't think I have this.
16 This is going to be marked as Exhibit 6.

17 I know we're only up to 4, but I've got
18 a 5 I need to mark too. So this is going to be
19 marked as Exhibit 6. I'm not going to mar up the
20 front of your document, but I do need to put a
21 sticker on the back. Is that okay?

22 A. Sure.

23 Q. You would agree with me that this is a
24 check for \$4997.63 showing as a remitter Alpha
25 Protective Services?

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1 A. That's correct.

2 Q. And it's from what bank?

3 A. Bank of America.

4 Q. Bank of America?

5 A. Uh-huh (positive response).

6 Q. This says -- read me the language on the
7 bottom and explain to me what that means.

8 A. That's notes to myself. I had typed it
9 up originally as a buy where American Pawn was the
10 owner of the boat with a pre-agreed-upon amount that
11 he could repurchase it for within a certain period
12 of time.

13 When he came in to flip it, as you say,
14 I converted it to a loan, a pawn, because you can't
15 accept a payment on a -- and showed that payment.
16 And basically we refinanced it for the original
17 \$15,000. And what it did, it allowed ownership to
18 stay with Jeff for another period of time.

19 Q. That's subject to your pawn?

20 A. Subject to the -- yeah, the pawn loans.
21 Again, Georgia state laws, 40 days.

22 Q. Forty and sixty you told me?

23 A. We do 60 and on something like this, you
24 know.

25 Q. All right. I want to get this straight,

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1 now. He redeemed the boat from the original pawn
2 transaction?

3 A. Uh-huh (positive response).

4 Q. When he paid the 122 or whatever it was?

5 A. Yes.

6 Q. All right. So at that point it was
7 lien-free. He told you to keep it and you then --
8 did you buy it from him or did you let him borrow on
9 it?

10 A. Now, on that day it was his property.

11 Q. I know that, but subsequent to that?

12 A. He came back, I believe it was April the
13 30th, and he wanted to redo the loan. But I typed
14 it up as a buy where I was actually purchasing it so
15 ownership would transfer immediately.

16 Q. Tell me, again, how much did you pay?

17 A. \$15,000.

18 Q. \$15,000, okay. So, then, he came back
19 in and paid you that?

20 A. In November some months later. But,
21 again, I'd rather have the money than the
22 collateral.

23 Q. Right. And then you redid it as a loan
24 then?

25 A. Correct.

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1 Q. And then subsequent to that, he never
2 redeemed that ticket?

3 A. That's correct.

4 Q. I've got it. Sit this right in the
5 middle of the table. Did you take any other money
6 for any reason from Brinson or Alpha?

7 A. No, sir.

8 Q. There were no other loans?

9 A. No other loan.

10 Q. You said that the guns were on a
11 separate ticket?

12 A. They were. Did you want to --

13 Q. Yeah, let's do that now. And that --

14 A. Duplicates.

15 Q. Okay. Now, this is another ticket to
16 Brinson for 6500 and that's not included in the
17 one -- this is not part of the 111?

18 A. No, sir, it is not.

19 Q. Okay. I think I've already got --

20 MR. WHITESIDE: Karl, do I already
21 have this?

22 MR. OSMUS: I think you do.

23 MR. WHITESIDE: I'm not going to copy
24 it.

25 MR. OSMUS: That's the pawn ticket

1 for the firearms to Brinson personally.

2 MR. WHITESIDE: Let me get those back
3 from her and let's check. May we go off the record
4 a minute?

5 MR. OSMUS: Sure, sure.

6 MR. WHITESIDE: Thanks.

7 (A discussion ensued off the record.)

8 MR. WHITESIDE: This is going to be
9 my 5. That's why I skipped to 6. This is yours,
10 okay. I owe you one.

11 Q. Let's go through this document. Exhibit
12 5 is a cumulative exhibit of the documents that were
13 produced in response to my document request. Set
14 yours down and let me see if you can find -- so we
15 don't create a lot of redundancy here, see if you
16 can find the ticket on guns.

17 Now, I do see tickets on guns but it's
18 for a different amount. Look at loan number ending
19 4824. Look in this packet I just gave you.

20 A. I've got it.

21 Q. Yeah, see if you can find it in the
22 packet I just gave you, though. I'm trying to
23 figure out did I -- no, I didn't give you a packet?
24 I gave you one of these, didn't I?

25 A. Yeah, I think you did.

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1 Q. See if you can find --

2 MR. OSMUS: Exhibit 5.

3 Q. Yeah, Exhibit 5, 4824.

4 A. I've got it here.

5 Q. I'm trying to figure out how -- okay,
6 that's good, so this is part of what you've already
7 supplied me? I've got it. So that's different from
8 the one we were talking about a minute ago?

9 A. That's correct.

10 Q. Okay. Yeah, these are the Glocks that
11 he issued his officers. Okay. I've got it. It's
12 the 110,000-dollar. Here's the \$122,875. Here's
13 the 110,000. Did you pawn a truck too?

14 A. Yes, sir. There were three title loans
15 that are included in this original loan for
16 \$111,000. Part of it was three titles to two 2011
17 Dodge pickups and one 2012 Dodge pickup.

18 Q. Yeah. Let's get the documents straight
19 on that. Are there tickets on that?

20 A. Yes. Are you --

21 Q. I see. It's the very first thing. I've
22 got it. For the record, that's the very first page
23 of Exhibit 5. Let's go through here. So we have
24 right at the top of that packet -- I'm referring now
25 to Exhibit 5, cumulative Exhibit 5, \$65,000 secured

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1 by three cars. We just talked about that. 46,000
2 secured by two tractors and a boat that we've
3 already talked about. Oh, I guess this continues
4 over to the next page; is that right?

5 A. It does.

6 Q. 46,000 is also secured by an Anderson
7 29-foot dual tandem axle. I guess is that a
8 trailer? That's a trailer?

9 A. Correct.

10 Q. And then it says here, "Other: Within
11 30 days: APS will sell back all for 51,750."
12 What's that mean?

13 A. That was the redemption amount.

14 Q. I see. Is that standard for a pawn
15 ticket?

16 A. It's up to the pawn broker. On larger
17 amounts, I'm more comfortable typing it up as a
18 purchase.

19 Q. Was this a purchase?

20 A. That was a purchase with a
21 pre-agreed-upon amount that he could buy back.

22 Q. So to keep the record clear on this:
23 This is the 46,000-dollar transaction, loan number
24 ending in 7681. Your testimony is that that is
25 actually not a pawn ticket, that's a loan?

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1 A. That's correct.

2 Q. I mean, not a loan, it's a sale?

3 A. That's a buy, a purchase by me from him.

4 Q. With the right to redeem it for \$51,750?

5 A. Correct.

6 Q. I see. So now what is 46,000? What is
7 the next 46,000?

8 A. If you'll notice at the top, that's page
9 2 of 2. That amount was used to purchase the two
10 tractors, the boat, and the dual tandem axle trailer
11 was what the tractor actually loaded on.

12 Q. Okay. I've got a bunch of pages here
13 that say 46,000 on it, more than just two. Let's
14 try to go through this. If I'm confused, the record
15 will be more confused.

16 MR. OSMUS: Do you want to refer to
17 loan numbers?

18 MR. WHITESIDE: I did. I was just
19 about to, sorry. I was just about to.

20 Q. All right. The second page of Exhibit 5
21 is loan number ending 7681, 46,000?

22 A. Uh-huh (positive response).

23 Q. And the second page of that is page 2 of
24 2 and that has the same numbers on it, 7681. That
25 says 46,000. Then the next page starts over and

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1 there is a one, two, and three on that and that's
2 3538, but that's also 46,000.

3 A. That's correct. I can explain that.

4 Q. Yeah, tell me about that.

5 A. That was when, again, like the other
6 instance I believe we talked about, it was typed up
7 originally as a buy with a pre-agreed-upon amount to
8 him to repurchase it or redeem it. So when those
9 funds were actually received, the loan was voided
10 and it was changed to a pawn where I could actually
11 show, you know, the moneys coming back in. You
12 can't do that if you type it up as a buy.

13 So the original buy, which ends in
14 27681, when the funds came in, that transaction was
15 voided and re-entered as a pawn. And then shown as
16 being redeemed with \$51,000 being applied to that.

17 Q. Okay. But now this is dated
18 4/16/2012 --

19 A. Correct.

20 Q. -- which was after you got paid?

21 A. That's correct, yeah. The money was
22 deposited just a matter of convenience's sake, just,
23 you know, actually typing it up on the computer.

24 Q. Did you lend him more money on the 16th?

25 A. No, sir.

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1 Q. Okay. Now I'm just as -- this is clear
2 as mud to me. So tell me one more time. Please
3 bear with my ignorance of your industry, because I
4 don't know anything about pawns.

5 A. That's no problem.

6 Q. Tell me what the second set of documents
7 1 and 2 for 3538 that's dated April 16th, '12, what
8 does this mean?

9 A. That was me actually documenting the
10 transaction, his repayment. When the funds were
11 actually delivered to me on April the 9th, which
12 were then deposited into the bank. For, you know,
13 record keeping and accounting purposes, I had to
14 show it as a pawn. So I've been paid, so I
15 converted it to a loan, which allows me to show the
16 money being redeemed. The moneys were received on
17 April the 9th, but I didn't get around to doing that
18 until April the 16th.

19 Q. I guess I sort of understand that, but
20 if I total up 46 and 65, that gives me the 111 --

21 A. Correct.

22 Q. -- which was the advance? Okay. Now,
23 let's keep going. Now, there is another pair of
24 tickets that have 46,000 on it that's done April the
25 4th, which is the same date as the first one?

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1 A. That's a duplicate. For some reason, I
2 must have just or somebody put two copies of the
3 same thing. If you look back at the first 2781,
4 you'll see it's identical.

5 Q. Yeah, the collateral is all the same and
6 the amount is the same?

7 A. Yeah.

8 Q. Okay, got it. Let's flip over to the
9 next page. Here's 1 and 2, 2/11 for \$810. That for
10 the record ends in 4825.

11 A. That is where I was purchasing their
12 Glock handguns. That would be related to the
13 document on the next page. It is numbered 24824.

14 Q. Yeah.

15 A. That one, that transaction contains 16
16 firearms and my software will only allow 16 items of
17 any sort to be entered. So when I hit the end of
18 that, those 16 firearms, I had to start a new
19 transaction for, I believe it's six firearms.

20 Q. You've got six pages here?

21 A. Yeah.

22 Q. Page 1 of 6 through 6 of 6, all of them
23 say \$4320.

24 A. That's the one that should have a total
25 of 16 items.

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1 Q. It does.

2 A. Okay.

3 Q. The sixth page has a 16th Glock on it?

4 A. Right.

5 Q. Was this a purchase?

6 A. That, yeah, I was buying them.

7 Q. And he never brought them back?

8 A. There was never any intention for him to

9 buy them back.

10 Q. You wanted to buy them? He wanted you

11 to buy them?

12 A. He wanted to sell them. He approached

13 me.

14 Q. You gave him \$4320?

15 A. That's not the entirety of it. There

16 was this continuation, which it says loan number but

17 it's a purchase number 24825. That's another six of

18 those firearms. There were many more than that

19 involved.

20 Q. Yeah. You've got a great big long list

21 here.

22 A. That list is a continuation. That's

23 simply an easier method for me to record the

24 purchasing, the acquiring, and the disposing of

25 these firearms. When I go into the program that is,

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1 quote, add inventory, in this case, where everything
2 is identical except for the serial numbers, once I
3 type in the description of one of those Glock
4 handguns, then my computer will give me the option
5 of do you want to enter another with only a
6 different serial number.

7 Q. Got you.

8 A. So it's much quicker.

9 Q. Now, the document I'm referring to is
10 part of Exhibit 5, which is captioned at the top
11 "received inventory." And it's hard for me to make
12 the dates out, but it looks like 2/4/11 to 2/28/11,
13 so this is a list of the guns you bought?

14 A. That would be a list of any item that we
15 bought during that date period.

16 Q. Including his?

17 A. Including his.

18 Q. Okay.

19 A. The ones that didn't involve him, I
20 blacked them out.

21 Q. Okay. But all those that are not
22 blacked out, you bought from him?

23 A. That's correct.

24 Q. If you didn't pay him \$4200 for them,
25 what did pay him for that?

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1 A. I paid him \$4320 plus \$810. I'd have to
2 do some math. If you've got a minute, I will.

3 Q. Where are you getting the rest of the
4 numbers, though, the rest of the amounts for what
5 you paid him for those guns? Is there a document in
6 here that shows other amounts paid to him?

7 A. Yeah, the two amounts that I just quoted
8 4320.

9 Q. And 810?

10 A. That's on 24824.

11 Q. Yeah. And I got that. We found those.
12 But is there another document that shows the
13 additional moneys you paid him?

14 A. Yeah. The \$810 that I referred to is on
15 the document 24825.

16 Q. I found that.

17 A. The remainder is on the documents that
18 you just described.

19 Q. This great big long list?

20 A. Yes. And it has the individual amount
21 of each item purchased. It does not have it
22 tallied.

23 Q. So if I add it up, if I or somebody
24 added up all of these numbers that say "extended
25 price," that would give the total that you paid for

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1 these guns?

2 A. That's correct.

3 Q. I understand. The next in order in
4 Exhibit 5 is something called "sales receipt
5 166730." And this looks like musical instruments.
6 Percussion mallets?

7 A. It is. In the notice that I got, it
8 requested, the way I read it, any and all documents
9 involving Jeff Brinson within a certain time period.

10 Q. Got it.

11 A. And so that's what I did. He probably
12 bought something for his children for high school
13 band, I would guess.

14 Q. It seems like I remember in some of the
15 material that I read that his children did band.
16 The next is a couple of gun items?

17 A. Yes.

18 Q. A couple holsters?

19 A. Yes.

20 Q. That end it 6917?

21 A. Yes.

22 Q. End in 3826, this looks like several
23 firearms that he bought?

24 A. Yes. Those were probably riot-type
25 shotguns.

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1 Q. So-called tactical shotguns?

2 A. Yeah, there you go. The first two and
3 the second two are Beretta handguns.

4 Q. Do you like Beretta?

5 A. Sir?

6 Q. Do you like Beretta?

7 A. Honestly, I'm not big into guns, other
8 than what you can sell them for and make some money
9 off of.

10 Q. Really?

11 A. I was in law enforcement for a long
12 time. I just never -- it just wasn't a big deal to
13 me.

14 Q. And then the next item here, it looks
15 like an e-mail with an attachment to it from Gina
16 Brogren?

17 A. Yes, sir.

18 Q. Who is she? Do you know?

19 A. She's administrative assistant at the
20 bank. She's one of, I guess you'd say, a go-to
21 person when I need something.

22 Q. Which bank?

23 A. Thomasville National Bank.

24 Q. Got it. TN Bank, got it.

25 A. TNBT.

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1 Q. I see it on the bottom now. Now, why is
2 this being -- I mean, what's the point of the
3 e-mail?

4 A. Somebody asked for documentation of the
5 moneys that, you know, transferred. And I just
6 E-mailed her and she e-mailed me an attachment.

7 Q. This to aps@rosenet. Who is that?

8 A. That's me, that's my business e-mail.

9 Q. So she e-mailed that to you?

10 A. Correct, uh-huh (positive response).

11 Q. The next page is 2 of 2. This is the
12 deposit ticket. I mean, I'm sorry, this is where
13 you bought the ticket to make the advance?

14 A. Yes, sir.

15 Q. I mean, bought the check to make the
16 advance, got it. And that's part of the same e-mail
17 it looks like?

18 A. Probably.

19 Q. It says page 1?

20 A. Yeah.

21 Q. Page 2 of 2. And then you've got the
22 NADA on one of the trucks?

23 A. Uh-huh (positive response).

24 Q. This is the next item that we're talking
25 about in this cumulative Exhibit 5. It says,

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1 "Summary with NADA values, NADA used car guide
2 Tuesday, April, 3rd, 2012." It's the NADA on a 2011
3 Dodge truck with a copy of the title certificate
4 attached. Your title lists with APS-AEC?

5 A. That's correct.

6 Q. There's another title certificate
7 attached. This is on a -- gosh, what is this?

8 MR. OSMUS: It's a boat.

9 Q. Sea Hunt boat, yeah, the boat we talked
10 about.

11 MR. OSMUS: Florida has an actual
12 title unlike Georgia.

13 MR. WHITESIDE: Got it. Boats are
14 never titled in Georgia?

15 MR. OSMUS: They are not.

16 MR. WHITESIDE: I had that
17 conversation the other day and neither one of us
18 knew.

19 THE WITNESS: They should be.

20 MR. OSMUS: They disappear
21 frequently.

22 MR. WHITESIDE: They do. That's
23 what --

24 THE WITNESS: Seems to have happened
25 here.

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1 Q. All right. The next is an NADA on a
2 2011 Dodge truck followed by GreenSouth Equipment,
3 it looks like a purchase order. Yeah, that's what
4 it is. Why do you have the purchase order? Did you
5 finance the purchase of those?

6 A. No, sir. This was -- they, you know,
7 whoever -- Mr. Osmus or whoever wanted any and all
8 documentations. This would have been part of my
9 original due diligence to see what things are
10 working and not working and who owns them and who
11 doesn't own them. So I included them.

12 Q. Okay. Chrysler Group -- there are three
13 of those, I believe, for the record, three of what
14 appears to be equipment invoice purchase orders.
15 And for the record, those are related to a new JD
16 5045, what is that, John Deere tractor?

17 A. (Witness nods head affirmatively.)

18 Q. The next one is a 2008 JD John Deer
19 5065E. The next one is a JD 512 loader. And then
20 that's followed by a certificate of title to a 3500
21 Mega cab pickup.

22 MR. OSMUS: That's actually a
23 certificate of origin.

24 MR. WHITESIDE: It is, isn't it?

25 MR. OSMUS: Yeah.

1 MR. WHITESIDE: You're right. Thank
2 you for the correction.

3 Q. All of that is part of the same due
4 diligence to determine the value.

5 A. Correct.

6 Q. Who's is this next page here APS-AEC,
7 LLC?

8 A. I believe it's the back of this
9 certificate of origin that you just referred to.

10 Q. I see. All of these title certificates
11 are in the name of APS-AEC, are they not?

12 A. All except for the boat.

13 Q. Yeah, the boat, okay. Let's look at the
14 boat. Let's see who that's titled to. That's
15 titled to Brinson individually. And that completes
16 them. So we now know what we don't have. So in
17 this set we don't have Exhibit 6 and I don't have
18 the pawn ticket on the personal guns. So we're
19 going to -- I need for you to fish that out and let
20 me get that in the record. You had it just a minute
21 ago, and I should have had you lay it aside.

22 A. Yeah, that's it.

23 MR. WHITESIDE: And that's going to
24 be my Exhibit 7. Nobody get freaked out because the
25 color is changing okay? Blue is fine. It don't

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1 matter. Blue/yellow, do you mind?

2 MR. OSMUS: Nope.

3 MR. WHITESIDE: That's good. I've
4 got to find a place to put it where I'm not going to
5 block anything, though. It's tough here. I'm going
6 to put it right up here in the upper.

7 MR. OSMUS: Do you want to make
8 copies of it first?

9 MR. WHITESIDE: Yeah, we'd better do
10 that. Can you get her to make copies of these too?

11 (A break was taken.)

12 MR. WHITESIDE: Just so you know, we
13 weren't talking about your case. We were talking
14 about fly fishing while you were gone. While I'm
15 doing this, I'm sorting through these to assemble
16 these to put them in the right order.

17 Q. You don't have any other tickets on
18 other transactions with Brinson or with Alpha that
19 are not part of the Exhibit 5 we talked about?

20 A. Not part of what, now?

21 Q. Not part of the big exhibit, Exhibit 5
22 we talked about, you know, that we went through and
23 looked at the boat and the tractors and the cars
24 and --

25 MR. OSMUS: 5 is what you produced

1 already.

2 MR. WHITESIDE: Yeah.

3 MR. OSMUS: That's what you sent me
4 and I sent him.

5 MR. WHITESIDE: Yeah.

6 A. No, that's it. Uh-huh (positive
7 response).

8 Q. So that plus what we are looking at now
9 is everything that relates to Brinson or Alpha, all
10 the tickets that relate to Brinson or Alpha?

11 A. Correct, yeah. Now, y'all specified
12 during that roughly two-year time period there's
13 some minor stuff in years earlier, little purchases
14 and stuff.

15 Q. That is true. This is one set. Okay.
16 Now, Exhibit 6 is the check that we talked about
17 where Alpha is the remitter \$4997.63 on the Bank of
18 America. And Exhibit 7 we didn't copy the back
19 side, but I'm not worried about that. But Exhibit 7
20 is the pawn ticket. And this pawn ticket Exhibit 7
21 relates to the check that is Exhibit 6, correct? Is
22 this what -- did this check at 6 pay off that ticket
23 at 7?

24 A. No, sir.

25 Q. All right. Let's get that straight.

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1 Tell me about that.

2 A. That's the check I don't know if you
3 recall when he flipped the ticket on the boat.

4 Q. Yeah.

5 A. And I want to say it's in November. No,
6 excuse me, it was in October.

7 Q. I was confused. Do you have -- Exhibit
8 7, then, these are the guns that he bought?

9 MR. OSMUS: Gun.

10 A. These are the guns that he pawned.

11 Q. Pawned?

12 A. And never redeemed.

13 Q. Okay, I've got you. So you ended up
14 with these guns?

15 A. That's correct.

16 Q. You don't have a check to show where
17 this money went, the money that you advanced on this
18 ticket, do you?

19 A. On Exhibit 7?

20 Q. Yeah.

21 A. No, sir, I would have handed him cash
22 and that would have been --

23 Q. Okay. All right.

24 MR. WHITESIDE: Hand that back, you
25 keep that one. Put one in the middle of the table

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1 to give to the court reporter in a minute. That's
2 for Karl and this is for me. Madam court reporter,
3 you will get those in the middle of the table.

4 Q. All right, do you have your tickets that
5 relate to this check, the 4997? Is there another
6 ticket? You already supplied that to me?

7 A. Give me a second.

8 Q. See if we can get that.

9 A. My only question is, I don't think it
10 fell within that timeframe that was requested so --

11 Q. You may not have it?

12 A. -- might not have it.

13 Q. Now, this check is October 12th, 2012.

14 A. I did have it.

15 Q. Let's take a look at that.

16 A. This goes along with it also. It was
17 originally, as I said, typed up as a purchase. And
18 then when he came in to make a payment or flip it,
19 as you said, it was converted to a pawn so that that
20 payment reflected --

21 Q. There's only two of these? Only two of
22 these?

23 A. Should be. Let me -- can I look at them
24 again?

25 Q. Yeah, make sure.

1 A. Yes, sir, there's only two.

2 MR. WHITESIDE: This is going to be 8
3 and 9. Don't copy them now, let's try to get -- how
4 late is she going to be able to stay? Do you know?

5 MR. OSMUS: I don't know.

6 MR. WHITESIDE: You don't know, okay.
7 I want to try to finish up today if we can.

8 Q. Now, between the documents we've talked
9 about, the pawn tickets and the checks you'd already
10 supplied, the check here from Alpha that's post
11 petition that I'd not seen, these two tickets here,
12 which you issued cash for, right?

13 A. Yes.

14 Q. Okay. Have we talked about all the
15 transactions involving Brinson or Alpha or APS?

16 A. Everything within that timeframe that
17 y'all asked about.

18 Q. Right, that's all I'm asking about.

19 A. Yes, sir, correct.

20 Q. Let's skip through the answer -- the
21 complaint and answer. I do realize the hour is
22 getting late. If you would get this document in
23 front of you, the one that says complaint. You
24 should still have that.

25 MR. OSMUS: Exhibit 1.

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1 Q. It's right there.

2 A. I do.

3 Q. Okay. Did Brinson tell you what he was
4 going to use the money for?

5 A. He -- not -- I don't believe he did
6 initially. But the day of the loan he did for sure.

7 Q. What did he tell you?

8 A. He says it's to cover some payroll
9 checks. Matter of fact, he called me, I want to say
10 it was like 10:15 or 10:30. And I was on the way to
11 the bank anyway to tend to business. And he told me
12 he needed the funds at his bank by 11:00 a.m.
13 because they were going to return a substantial
14 number of payroll checks.

15 And I said, "Jeff, I didn't know I was
16 under this timeframe." And I said, "I know your
17 bankers. Can I talk to them and tell them the money
18 is on the way?" And I don't remember what he said
19 but nevertheless it was clear that he needed the
20 money by 11:00 a.m.

21 So, I mean, I was already comfortable
22 with the collateral. I already had it in my
23 possession. So I went to the bank and I got a
24 cashier's check for \$110,000 and drove straight to I
25 think it was Ameris Bank.

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1 And he was standing there with his two
2 bankers Jack Cannady, that I've known forever, and
3 the other guy Ronnie Marchant. And it was
4 pushing -- it was probably 5 minutes to 11:00 and I
5 could tell something was going on, everybody was not
6 happy.

7 And I handed them the check and says,
8 "Here we go and here's the other \$1,000 cash." And
9 it appeared like everything was okay. I was of --
10 he told me had he not had the funds in their hands
11 by 11:00 a.m., they were going to return all those
12 payroll checks. And I can only imagine what kind of
13 confusion that would have caused.

14 Q. It was an unusual situation?

15 A. His was. Well, let me back up. I did a
16 security service one time, actual Federal contract,
17 and they don't care when your payroll is due. It's
18 not common for them to be late.

19 Q. Yeah. And what I meant, it was an
20 unusual situation for you to be making that kind of
21 loan?

22 A. You know, the size of the loan
23 considering the collateral was not that unusual.
24 The biggest thing that was unusual was for him to
25 put me under the gun, the 30 minutes.

1 Q. Well, that's what I meant, the
2 circumstance unusual?

3 A. Yeah.

4 Q. Had never made a payroll loan with you
5 before?

6 A. No, sir, huh-uh (negative response).

7 Q. Did you consider yourself to be friends
8 with Brinson at the time you made the loan?

9 A. Sure, casual friends. I mean, I'm
10 friendly with almost everybody I know.

11 Q. Okay. We are rounding in the
12 homestretch. These are the interrogatories. I'm
13 just going to kind of speed through those. Here you
14 go. This one is yours. This is Exhibit 4 and this
15 is the interrogatories. You didn't file formal
16 responses to the interrogatories. I'm not fussing
17 at you about that. We can do this in this
18 deposition just as well. But we do need to go
19 through this.

20 The first one is: Do you know of
21 anybody else -- we've talked about a good number of
22 people, the two bankers, Brinson and maybe -- did we
23 talk about Ms. Brack, did you have anything to do
24 with her?

25 A. Who is that, now?

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1 Q. April Brack.

2 A. Only -- I didn't even know her. But she
3 came into the pawn shop maybe a year ago making
4 inquiries about the boat.

5 Q. Yeah, people were looking for the boat.

6 A. Apparently, she had acquired a loan that
7 was based on the boat and she had some cash on
8 deposit, several thousand dollars.

9 Q. Where?

10 A. At the place that loaned her the money.
11 I believe it was a --

12 Q. Federal Credit, MEGFCU.

13 A. You know, I was as nice to her as I
14 could be. And I, again, got my attorney involved
15 and ran it by him. And he said, you know -- I said,
16 "William, I want to do the right thing."

17 And he said, "You're fine."

18 So I told her, I said, "Ma'am, I just
19 can't -- I can't do anything." I haven't heard
20 anything back from her. Apparently, the creditor
21 was satisfied. She, obviously, was making the
22 payments or I assume I would have heard from them.

23 Q. I took \$113,000 from them.

24 A. Well, but, actually, and I researched
25 this and I had William Clark verify it, she had

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1 three separate loans. The first one was a
2 substantial amount like maybe \$111,000, the vehicles
3 and the boat.

4 Q. That's why I took the money back off.

5 A. Do what, now?

6 Q. I sued MEG and they got repaid at the
7 same time that you did and I've already sued them
8 and collected what they were repaid.

9 A. Well, there were two that were
10 substantial, but they apparently had been satisfied.
11 The third one was a relatively small loan of \$6700
12 of which the collateral was the boat and maybe
13 \$4,000 in cash.

14 Q. Yeah.

15 A. She had been making the payments for
16 seven months, so I haven't heard back from her. I
17 would assume she's making the payments on that small
18 note.

19 Q. Did you deal or have you talked before
20 or after the bankruptcy with any of the other people
21 who worked with Alpha?

22 A. Chris what's his name.

23 Q. Mullins?

24 A. Chris Mullins I don't think I talked
25 directly to him, but I was told that maybe he was

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1 being sued over some of his paychecks that he had
2 accepted.

3 Q. Yeah, I sued him, that's right.

4 A. But I don't think I talked to him
5 directly.

6 Q. Anybody else?

7 A. Not that worked with Jeff.

8 Q. All right. Anybody connected with Jeff?

9 A. A good friend of mine, very good friend
10 of mine, a long time law enforcement -- fellow law
11 enforcement officer John Pike, he told me --

12 Q. Yeah, I sued him too.

13 A. He said Jeff came to him, "I need to
14 borrow \$30,000."

15 And John said, "David, I did it as, you
16 know, as a brother in Christ, so to speak." He was
17 doing the right thing. He said, "Jeff paid me
18 back." I mean, no interest, no nothing. This was a
19 personal loan. And he was like me, "Why are they
20 coming after me?" But other than that, no.

21 Q. Any of the other employees?

22 A. No.

23 Q. You don't know that Pike was not
24 employed but you said --

25 A. I'm 99 percent sure Pike doesn't work

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1 for --

2 Q. For Brinson?

3 A. -- Jeff, no.

4 Q. All right. Any other people you know of
5 who would know anything about Brinson, Alpha, or
6 this transaction?

7 A. No, sir, huh-uh (negative response).

8 Q. All right. Number 6 says, "Please
9 identify all transfers of property made by Alpha
10 Protective Services to or for the benefit of the
11 Respondent, between April 2nd, 2010, and April the
12 12th of 2010." I think we've been through all that.

13 A. We have. I've provided you all the
14 documentation, anything to do with him.

15 Q. And have you discussed all transactions
16 that you've had with him?

17 A. Say again.

18 Q. We've discussed all transactions that
19 you had with him?

20 A. That's correct.

21 Q. During that timeframe?

22 A. That's correct.

23 Q. The next question we come to is
24 transfers of property made by Alpha to you. We
25 talked about that too. We've talked about every

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1 dollar that you've got either from Brinson or either
2 from Alpha as a result of any of these transactions?

3 A. That's correct.

4 Q. There's no other transactions that we
5 haven't talked about?

6 A. No, sir, there is not.

7 Q. Do you have any knowledge or information
8 about the solvency of Alpha at the time that you got
9 paid?

10 A. I did not.

11 Q. You have none?

12 A. Sir?

13 Q. Do you have any information about the
14 solvency of Alpha at the time that you got paid?

15 A. No, I knew nothing.

16 Q. One way or another?

17 A. No, sir.

18 Q. You don't know whether they were solvent
19 or insolvent?

20 A. I had no idea. I assumed they were, I
21 guess. I never really thought about it.

22 Q. But you don't have any way to know?

23 A. No, sir, I don't.

24 Q. Because they were filing bankruptcy a
25 few days after that?

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1 A. That's what I now understand.

2 Q. It's kind of hard to think that they
3 might be solvent?

4 A. I just don't know. I don't know what
5 his business practices were.

6 Q. Have you ever had any other transactions
7 like this one where you advanced money to a company
8 to cover payroll and were repaid?

9 A. You know, I don't know. Most people
10 don't necessarily tell me what it's for. Some do
11 but it's not a requirement. Sometimes I ask,
12 sometimes I don't.

13 Q. Yeah. All right. But you don't
14 remember having advanced payroll to anybody before
15 where you knew that's what it was going for?

16 A. No, sir, not that I can recall.

17 Q. Okay. This is probably a silly
18 question, but do you know anybody -- do you have
19 anybody who's familiar with your industry who would
20 know whether or not it's common for you to make
21 loans in your industry to cover payroll?

22 A. I mean, I can give you some references.

23 MR. OSMUS: There's a pawn shop
24 association.

25 A. Yeah, there's a national pawn broker

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1 association.

2 MR. WHITESIDE: You don't have an
3 expert, do you?

4 MR. OSMUS: We actually -- no, maybe.

5 MR. WHITESIDE: Who? That's one of
6 the interrogatories.

7 MR. OSMUS: Yeah.

8 MR. WHITESIDE: I'm sort of entitled
9 to know.

10 MR. OSMUS: Yeah.

11 MR. WHITESIDE: You're not going to
12 declare him yet? You haven't declared him yet.

13 MR. OSMUS: No. We haven't consulted
14 him.

15 MR. WHITESIDE: Well, if you
16 decide --

17 MR. OSMUS: Sure.

18 MR. WHITESIDE: --- you will disclose
19 him?

20 MR. OSMUS: Yeah.

21 MR. WHITESIDE: I'm not insisting on
22 responses to interrogatories.

23 MR. OSMUS: Yeah. The pawn shop
24 association has a nation-wide retained counsel that
25 is a law professor and, you know, is available.

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1 MR. WHITESIDE: Well, let's talk
2 about that. If you do designate him as an expert,
3 I'm going to want to depose him.

4 MR. OSMUS: It's a she.

5 MR. WHITESIDE: That's fine too. But
6 I'm going to want to depose her.

7 MR. OSMUS: Yeah.

8 MR. WHITESIDE: Where is she located?

9 MR. OSMUS: Indiana, I think.

10 A. University of Indiana, she's a professor
11 or has a doctorate or whatever of law. She
12 apparently has some specific background in pawn shop
13 laws, in particular as pertains to bankruptcies,
14 Sarah Jane Hughes.

15 MR. WHITESIDE: What I'm looking for
16 would be somebody who would be an expert on industry
17 standards.

18 MR. OSMUS: She hasn't consulted on
19 this case. She's aware of it and I think she's
20 reviewed the pleadings but she's not aware of
21 anything.

22 MR. WHITESIDE: So you don't have an
23 expert on industry standards yet?

24 MR. OSMUS: No.

25 MR. WHITESIDE: And you will disclose

1 one and let me depose them?

2 MR. OSMUS: Absolutely.

3 MR. WHITESIDE: All right. Good.

4 Q. Do you have any basis to believe you had
5 a security interest in any collateral that Alpha
6 owned? All the pawn tickets were in Brinson's name.
7 Do you have any information about any security
8 interest you might have had in collateral that Alpha
9 owned?

10 A. Just what's contained in these
11 documents.

12 Q. That's all Brinson, though, isn't it?

13 A. Some of the titles were -- in fact, most
14 of the titles, I think, were in whatever APS.

15 Q. But not in Alpha?

16 A. I'd have to review them.

17 Q. Take a look at them. That's kind of
18 important.

19 MR. OSMUS: And the tractors, too, I
20 think you confirmed that they were owned by Alpha.

21 Q. I think that would be part of this
22 cumulative Exhibit 5, towards the back of that stack
23 I think.

24 MR. WHITESIDE: Can we just agree
25 that you'll copy these two and send them to me or

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1 send them to her and then she'll include them in
2 record?

3 MR. OSMUS: Yes.

4 MR. WHITESIDE: And I'm going to put
5 on the back side what the exhibit numbers are. Do
6 you know how far I got? This is 8 and 9, isn't it?

7 COURT REPORTER: Yeah, I think so
8 because you wrote those numbers.

9 MR. WHITESIDE: I'll just put 8 and
10 then 9 on the back. I'll put it on the front
11 because that's how you copy it. Okay, thanks.

12 MR. OSMUS: Okay.

13 Q. I don't have any questions about them.
14 I do want to get straight on that. That's kind of
15 the money shot here is to figure out who held the
16 collateral.

17 A. You want me to answer?

18 Q. Yes.

19 A. Okay. The documents I have, there's two
20 in the name of Alpha. One is the John Deere Model
21 5045D tractor and the other one that is in the name
22 of Alpha for a John Deere 512 loader only.

23 Q. What was the amount advanced on those?
24 Are those titled?

25 A. Those are not titled. Those are not

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1 titled.

2 Q. So what are you basing the conclusion
3 that they belong to Alpha on?

4 A. Say that again?

5 Q. How do you know that they belong to
6 Alpha?

7 A. Well, I'm just basing it on what these
8 documents say.

9 Q. Yes, which documents, though? That's
10 what I'm trying to get in the record.

11 A. Yeah, exactly.

12 Q. Which documents?

13 A. The document that shows a John Deere 512
14 loader.

15 Q. These are bills of -- I'm sorry, these
16 are equipment invoices or bills of sale?

17 MR. OSMUS: Yeah, bills of sale.

18 A. Yeah.

19 Q. Okay, got it.

20 A. That one. And then the other one that
21 is in Alpha's name is the John Deere 505D tractor.

22 Q. Now, those are two bills of sale or
23 invoices or purchase orders?

24 A. Correct.

25 Q. That are part of Exhibit 5, right?

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1 A. Correct.

2 Q. What are those things worth? What were
3 those things worth at the time?

4 A. I probably allowed about 10,000 on the
5 John Deer 5045D. Bear in mind it had a front-end
6 loader on it, also.

7 Q. Yes.

8 A. The other -- let me back up. I probably
9 allowed 10,000 on that tractor and loader combined.

10 Q. It's 10 or 20 are you saying?

11 A. Sir?

12 Q. It's 10 or 20 are you saying?

13 A. 10,000 on that one tractor that had
14 attached to it that loader that in --

15 Q. What about the other tractor?

16 A. That would have been more because it was
17 a four-wheel drive, probably about 15,000 on that.

18 Q. 25,000 total?

19 A. Sir?

20 Q. 25,000 total?

21 A. About.

22 Q. I'm sorry, I don't want to interrupt
23 you. Go ahead.

24 A. You go ahead.

25 Q. No, you're the witness. I learned about

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1 20 years ago not to interrupt witnesses when they
2 are looking for information.

3 A. I allowed about 10,000, like I said, on
4 that first one, that had the front-end loader
5 attached. The four-wheel drive tractor that had a
6 front-end loader on it, I allowed 15,000.

7 Q. And what are you looking at now to get
8 that?

9 A. My notes where I went back in the
10 computer today to see what --

11 Q. Can I see those notes?

12 A. Yeah, correct.

13 Q. Where is it? I see it, got it. Do I
14 have this on my copies? He may have added this
15 after you copied it.

16 MR. OSMUS: I think so. I don't
17 know.

18 A. You don't.

19 Q. Okay. Listen, I don't want to crowd the
20 record with that. You've told me what it says. I'm
21 reading it and I'm satisfied that's what it says.
22 And you put a value on the boat at 30,000?

23 A. No, sir.

24 Q. See if that -- I thought that's what it
25 says. Am I wrong about that?

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1 A. Let me see. The boat was 17,000.

2 Q. Let's see.

3 A. These are codes for me that, I mean, I
4 don't mind putting them in numbers, but that code
5 stands for 10,000, that code stands for 15,000, that
6 one for 17,000. These numbers that you see out here
7 are approximately what they would have easily sold
8 for. And then there's one more item on the next
9 page.

10 Q. There are no notes on that. Is there --

11 A. Should be.

12 MR. OSMUS: 4,000 for the trailer.

13 Q. I'm sorry, I skipped over it.

14 A. 4,000 for the trailer.

15 Q. So of the collateral that you took, the
16 only collateral that really belonged to Alpha was
17 the two tractors, which your testimony is that that
18 total value was about 25,000?

19 A. One of the tractors, if I remember
20 right, was in Jeff's name. There was only two of
21 those receipts that showed Alpha.

22 Q. That's what I saying. That's why we did
23 that.

24 A. We did, but that was -- I allotted
25 10,000 to that as far as the collateral.

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1 Q. To those two tractors?

2 A. No, sir. There were three tickets.
3 There was one -- there was two for two tractors
4 individual. There was a third ticket for a
5 front-end loader, which was probably the one
6 attached to that first tractor. And those were the
7 only two items that actually were titled in the name
8 of Alpha.

9 Q. Now, this has them lumped together. It
10 has "tractor: Other: John Deere" and it has on here
11 with 512 front-end loader?

12 A. Yeah. The front-end loader represented
13 by that sales receipt was attached to -- he had it
14 attached to the tractor. When he delivered it to
15 me, they were.

16 Q. Got it. So is the 15,000 a value for
17 both of them?

18 A. No, sir.

19 Q. Let's get this cleared up in the record.
20 We're referring now to 1235 -- to loan number ending
21 3538, which is part of the cumulative exhibits. And
22 you have here two tractors here with, as you say,
23 your notes on it. One of them is MTXXX. The other
24 is MOTXX?

25 A. No.

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1 Q. I'm sorry, MPTXX, I've got it. And then
2 you've out to the right of that as you hold the
3 document 15 and 20. I understood that 15 is what
4 you would sell it for and the 20 is what you would
5 sell it for?

6 A. That's correct.

7 Q. Now, explain to me. What is the value
8 we're talking about here?

9 A. The loan value, the amount that was
10 allotted to this item, which is the John Deere 5045
11 with the front-end loader attached was \$10,000.

12 Q. And the next loan value?

13 A. That's the four-wheel drive John Deere,
14 which also had a front-end loader attached, I
15 allotted 15,000.

16 Q. All right. And those two items are the
17 only two items of collateral that Alpha actually
18 owned?

19 MR. OSMUS: Or that you can tell from
20 the documentation. You don't know who actually
21 owned them.

22 A. I don't know who actually owned them.
23 From the documentation, this is the only one in the
24 name of Alpha.

25 Q. Just the one?

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1 A. Let me look again.

2 Q. Yeah, sure.

3 MR. OSMUS: Part of Exhibit 5, it's
4 all on the subject.

5 MR. WHITESIDE: If you find
6 additional documents, I'll assume you will supply
7 them to me, but I'm relying on these documents for
8 the time being.

9 MR. OSMUS: There's no registration
10 for -- for clarification, there's no way to register
11 an off-road vehicle.

12 MR. WHITESIDE: I don't think so.

13 MR. OSMUS: I mean, there is none.
14 You can check the UCC record to see if there's a
15 lien. What he's provided as a response to the
16 interrogatory is the invoices of the person that
17 purchased them, which was his best indication at the
18 time, I think, which is our explanation for
19 providing those.

20 A. Where the confusion, I think, comes in
21 is although that first item on that ticket --

22 Q. Ticket number?

23 A. -- 3538.

24 Q. Yes.

25 A. That includes items listed on two of

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1 these sales receipts.

2 Q. Okay. So the only collateral that you
3 know you got from Alpha, that you're sure you got
4 from Alpha is the first one here?

5 A. That's correct.

6 Q. And that's worth how much?

7 A. Retail at the time was about \$15,000.
8 What I allotted was \$10,000.

9 Q. Okay. And you have no other documents
10 that would show who the owner of any of the
11 collateral was except for the ones we just talked
12 about?

13 A. That's correct.

14 Q. Okay. Alpha didn't sign any of the pawn
15 tickets either?

16 A. No. Jeff Brinson signed them.

17 Q. Let me ask you this, and this is not
18 really a hypothetical, but can I pawn somebody
19 else's property?

20 A. You can with their permission.

21 Q. How do you establish permission?

22 A. How would I establish, or how would you?

23 Q. How would you? You're the one making
24 the loan.

25 A. That would be the responsibility of the

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1 person that's pawning the item.

2 Q. What would you consider to be
3 satisfactory documentation? If that person were
4 pawning somebody else's property, what would you ask
5 them to provide?

6 A. I don't know that I've ever been told by
7 anybody, "Hey, I'm pawning somebody else's
8 property." When they sign the pawn ticket, though,
9 part of the contract they're pledging that it is
10 their property or their property with all rights to
11 pawn it. How enforceable that is, I don't know, but
12 it's on there. That's what they're signing. That's
13 what they're acknowledging.

14 Q. So you're not aware of a situation where
15 you had somebody pawning an asset -- in your
16 practice, your business history, you're not aware of
17 anybody who admitted that they were pawning a piece
18 of property belonging to somebody else?

19 A. I don't -- I don't think so. I may have
20 had a customer say, "I'm pawning this for Phil
21 Pacheene, my husband." That's not that uncommon, a
22 husband and wife and they're regular customers.
23 And, "Phil wanted me to come by here and pawn this
24 for him." And I guess in the state of Georgia who
25 knows who owns what anyway. But not that I know of.

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1 Q. Now, this is not a hypothetical but it's
2 an actual fact pattern. I have got a good friend
3 that I haven't seen him in years, but a friend in
4 Columbus who is an antique dealer. And I have done
5 a little legal work for him over the years, but he's
6 kind of a scoundrel. I mean, a nice guy but kind of
7 a scoundrel. You know the type.

8 A. Uh-huh (positive response).

9 Q. But he pawned some silver that belonged
10 to somebody else and he went to prison for that. Is
11 that something that's unheard of?

12 A. It would be unheard of in my industry if
13 you do it by law. We're regulated by state law.
14 They have to provide us with a government-issued
15 photo ID.

16 Q. That's not what I mean. But I'm
17 interrupting you because I think I'm misstating the
18 question. The person who made the pawn was the one
19 who went to prison.

20 A. Yeah.

21 Q. Not the pawn shop owner.

22 A. Yeah.

23 Q. He took some silver that he had taken on
24 consignment in his antique store and he just pawned
25 it and kept the money, he didn't tell the person.

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1 And he went to prison over that. Is that uncommon?

2 A. Percentagewise, yeah.

3 Q. That does happen?

4 A. We pursue it diligently.

5 Q. So it's not a good thing when somebody
6 pawns something that belongs to somebody else?

7 A. You know what, it depends on your
8 perspective. And it's been debated in the industry.
9 Let me tell you what we do. If we have suspicions
10 that it's not legitimate, we don't try to be heroes.
11 We'll go ahead and pawn it because we've got
12 incontrovertible evidence at that time. We
13 immediately call law enforcement.

14 We just did that just a few minutes ago.
15 And while I may lose some money in the deal, \$100,
16 \$200. My premise is, if that's what it takes to see
17 a bad guy go to jail, because I know what the cost
18 of an investigation is, we'll buy it.

19 Q. When you pawn something that's not
20 yours, that's kind of criminal conduct, isn't it?

21 A. Yeah. It all comes down to intent.

22 Q. Right. So like my guy that went to
23 prison shouldn't have gone to prison?

24 A. No, I thought you were talking about a
25 pawn broker.

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1 Q. No. I'm not blaming --

2 A. Are you talking about the person that
3 pawned it? Yeah, they should go to prison.

4 Q. So if you walk into a pawn shop with
5 something that belongs to somebody else, that's a
6 bad thing, right?

7 A. It's illegal.

8 Q. And you go to jail for that?

9 A. You can.

10 Q. Now, if somebody walks into your pawn
11 shop and they pawn something that belongs to
12 somebody else, can that somebody else come get it
13 from you? Do you have the right to insist that the
14 real owner has to pay the ticket off?

15 A. Not if we haven't any notification from
16 law enforcement. If the original pawner comes in, I
17 think that's what you're describing, can he redeem
18 it?

19 Q. No. If the original pawner comes in and
20 he pawns a sale like my friend Pat, not friend but
21 former client, haven't seen him in years, but he
22 pawns \$5,000 worth of antique silver?

23 A. Okay.

24 Q. It's not his?

25 A. Okay.

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1 Q. All right. But you were satisfied for
2 whatever reason that it's his and so you give him
3 the money, you haven't done anything wrong?

4 A. Correct.

5 Q. I'm not saying the pawn broker has done
6 anything wrong, that's not my point at all.

7 A. Correct.

8 Q. But my friend Pat, he did, let's say he
9 did.

10 A. Uh-huh (positive response).

11 Q. Now, if the true owner of the silver
12 comes in, are you entitled to make them pay the pawn
13 ticket before you give them the silver back?

14 A. No, no, I'm not. Matter of fact, my
15 first question, then, would be: Have you made a
16 police report because that's --

17 Q. Assuming all that.

18 A. We would turn it over to the police for
19 evidence. I wouldn't turn it over to the
20 individual.

21 Q. But you wouldn't be entitled to make
22 that individual pay the pawn ticket?

23 A. No, sir, no. We're at the mercy of the
24 courts.

25 Q. So because the stuff that you took the

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1 person who pawned it didn't have good title to?

2 A. That's correct.

3 Q. So you can't pawn what you don't own?

4 A. Not without permission.

5 Q. Okay. Permission would be a power of
6 attorney, something like that?

7 A. Right.

8 Q. Assuming you don't have permission like
9 a power of attorney or a board of resolution or
10 something, you can't pawn what you don't own?

11 A. You shouldn't.

12 Q. You're not going to say you can't?

13 MR. OSMUS: You're asking him to make
14 a legal conclusion here, I think.

15 MR. WHITESIDE: He's testified a good
16 bit about his knowledge of practices in his
17 industry. I'm not asking him a legal question.

18 Q. I'm just saying: Practice in your
19 industry, can you do that?

20 A. Say it again, what is it?

21 Q. Somebody walks in and they pretend to be
22 the owner of the item but they are really not the
23 owner of the item and they're not authorized by the
24 true owner to pawn it. They can't pawn it, can
25 they?

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1 A. They can.

2 Q. Okay. Is your pawn -- are you then
3 entitled to keep the pawned stuff?

4 A. Not if it's evidence of a crime.

5 Q. But you're not entitled to keep the
6 pawned stuff?

7 A. I've got a valid legal interest in the
8 items. Now, it can be overridden by somebody else,
9 by the decision of a judge, for example.

10 Q. The owner?

11 A. Not by the owner, it would have to be a
12 judge.

13 Q. Have you ever had anybody come in and
14 make a claim on something that they owned that
15 somebody else pawned?

16 A. Sure.

17 Q. What do you do?

18 A. Ask them have they made a police report.

19 Q. And if they say, "Yeah, I made a police
20 report," then what do you do?

21 A. I just tell them to have the detective
22 get in touch with me and we'll handle it.

23 Q. And then when he does, what do you do?

24 A. If he says it's evidence of a crime, we
25 turn it over to him, but we get proper documentation

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1 from him and ask him to include us as a victim and
2 get restitution if you can, which is a pipe dream.

3 Q. Give him a property receipt?

4 A. Correct.

5 Q. But you don't get to keep the stuff?

6 A. Oh, no. I turn it over to him for
7 evidence until it's -- you know, the case is over.

8 Q. After it quits being evidence, do they
9 give it back to you?

10 A. They could if a decision hasn't been
11 made by a judge that it belongs to somebody else.
12 Ultimately I don't get to decide. The police don't
13 get to decide either. The judge does.

14 Q. I thought you said the judge decides if
15 the stuff belongs to somebody else, you don't get it
16 back, do you?

17 A. No; no, sir.

18 Q. Have you ever had an instance where you
19 got the stuff back?

20 MR. OSMUS: I think he's answered
21 this about five times, Fife.

22 A. I have, yes.

23 MR. WHITESIDE: He's answered only
24 twice.

25 Q. When was that?

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1 A. When it turned out there wasn't a crime
2 at all.

3 Q. Got it. That's the only time, then?

4 A. Probably, yes.

5 MR. WHITESIDE: Okay. I think I'm
6 about done. We need to talk a little bit about the
7 exhibits.

8 MR. OSMUS: We need to get you copies
9 of those.

10 MR. WHITESIDE: Yes, send them to
11 her. I need the transcript. I'm ordering it now,
12 so just figure on doing the transcript. And if
13 you'll send it to her, she'll send it to me. I
14 don't need to walk out of here with it. Did you
15 have anything you wanted to ask him?

16 MR. OSMUS: No.

17 MR. WHITESIDE: Let me double check
18 the interrogatories and make sure I've got
19 everything.

20 Q. I do want to ask him -- tell me again
21 who are -- I think I asked you this and you answered
22 it. And I'm not bugging you, I just don't remember.
23 But who are the owners of American Pawn?

24 A. I misspoke a while ago. I now own
25 66-2/3 percentage and my younger brother Marty owns

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1 33-1/3 percent as of about a year and a half ago.

2 Q. Where do you have offices? Do you have
3 offices in more than one place?

4 A. We do, five towns.

5 Q. Where are they? I don't need the
6 addresses. I just want to know the towns.

7 A. Thomasville, Cairo, Bainbridge,
8 Moultrie, and Americus.

9 MR. WHITESIDE: Okay. I'm done.

10 (Whereupon, neither the deponent nor any
11 party having specifically reserved reading and
12 signing of the deposition, signature was effectively
13 waived and the taking of the deposition was
14 concluded at 5:25 p.m. the same date.)

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1 C E R T I F I C A T E

2 STATE OF GEORGIA,

3 COUNTY OF TIFT:

4 I hereby certify that the foregoing
5 transcript was taken down, as stated in the caption,
6 and the questions and answers thereto were reduced
7 to typewriting by computer-aided transcription under
8 my direction; that the foregoing pages 1 through 82
9 represent a true, complete, and correct transcript
10 of the evidence given; and I further certify that I
11 am not of kin or counsel to the parties in the case,
12 am not in the regular employ of counsel for any of
13 said parties, and am in no wise interested in the
14 result of said case.

15 I further certify that the original of
16 this deposition will be filed with Fife Whiteside,
17 Esquire, Counsel for the Debtor.

18 This the 15th day of October 2015.

19

20

21

22 _____
GAIL H. BEARD, CCR-B-861
Notary Public
23 My Commission Expires 05/23/2019

24

25